

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD05-99-004]****Drawbridge Operation Regulations;
Atlantic Intracoastal Waterway,
Morehead City, NC****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Beaufort & Morehead Railroad Bridge across the Atlantic Intracoastal Waterway (ICW), mile 203.8, in Morehead City, North Carolina. Beginning February 22, 1999, through February 28, 1999, this deviation allows the bridge to remain closed to navigation between the hours of 7 a.m. to 12 noon; and 1 p.m. to 5 p.m. The closure is necessary to facilitate the rehabilitation of the bridge's bascule span.

DATES: This deviation is effective from 7 a.m. on February 22, 1999 until 5 p.m. on February 28, 1999.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION: The Beaufort & Morehead Railroad Bridge is owned and operated by the North Carolina Department of Transportation (NCDOT). The current regulations in Title 33 Code of Federal Regulations, Section 117.5 require the draw to open promptly and fully upon signal for the passage of vessels.

In May 1998, the Coast Guard approved the rehabilitation work of the bridge for structural repairs. On December 16, 1998, the Coast Guard received a request from McLean Contracting Company, contractors for NCDOT, to schedule daytime closures of the bridge to facilitate the ongoing rehabilitation of the railroad bridge.

The Coast Guard has advised the local Coast Guard units, including MSO Wilmington and Group Fort Macon, of the bridge's closure on the requested times and dates, and they did not object. The Coast Guard will inform the commercial/recreational users of the waterway of the bridge closure in the weekly Notice to Mariners so that these vessels can arrange their transits to avoid being temporarily impacted by this deviation.

Beginning February 22, 1999, through February 28, 1999, this deviation allows

the bridge to remain closed to navigation between the hours of 7 a.m. to 12 noon; and 1 p.m. to 5 p.m.

Dated: February 1, 1999.

Roger T. Rufe, Jr.,
*Vice Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.*

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD8-96-049]****RIN 2115-AE47****Drawbridge Operation Regulation;
Back Bay of Biloxi, MS****AGENCY:** Coast Guard, DOT.**ACTION:** Interim rule with request for comments.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the Popp's Ferry Road bascule span bridge across the Back Bay of Biloxi, mile 8.0, at Biloxi, Harrison County, Mississippi. This final rule permits the draw to remain closed to navigation from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays. Presently, the draw opens on signal at all times.

DATES: This rule becomes effective on March 11, 1999. Comments must be received by May 10, 1999.

ADDRESSES: You may mail comments to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or deliver them to room 1313 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the address given above, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Philip R. Johnson, Bridge Administration Branch, (504) 589-2965.

SUPPLEMENTARY INFORMATION:**Requests for Comments**

The Coast Guard encourages interested parties to participate in this rulemaking by submitting written data,

views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 08-96-049) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period and may revise this rule before making it final.

Background and Purpose

The Coast Guard is changing the operation of the Popp's Ferry Road bascule span bridge across the Back Bay of Biloxi, mile 8.0, at Biloxi, Harrison County, Mississippi. Navigation on the waterway consists of tugs with tows, commercial fishing vessels and occasional recreational craft. Vehicular traffic crossing the bridge during peak rush hour traffic periods has increased significantly during recent years. Additionally, since the City of Biloxi is bisected by the Popp's Ferry Road Bridge, openings of the draw span, during rush hour traffic periods, paralyze vehicular traffic movement. This is the only route available to mid-city commuters without taking a 15-mile detour. This change will allow for the free flow of vehicular traffic while still meeting the reasonable needs of navigation.

The Coast Guard published a notice of proposed rulemaking on November 20, 1996 (61 FR 59047). The proposed rule would have permitted the draw to remain closed to navigation from 7:30 a.m. to 9 a.m., 11:30 a.m. to 1:30 p.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

Comments prompted the Coast Guard to reevaluate the proposal. Objections to the proposal were primarily based on the previous poor condition of the bridge which had resulted in only one bascule leaf being operable, thereby restricting navigation to daytime transits only. After the bridge had been restored to its fully operable condition, the Coast Guard published a supplemental notice of proposed rulemaking on September 23, 1998 (63 FR 50821). The supplemental notice of proposed rulemaking proposed the same schedule, but was published so that interested parties could have another opportunity to comment on the proposed change before a final decision was made.